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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,381	07/31/2003	Michael Czysz	MCZ009	2830

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EXAMINER
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LUM VANNUCCI, LEE SIN YEE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/633,381

Applicant(s)

CZYSZ, MICHAEL

Examiner

Lee Lum

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7, 12-15 and 19-24 <sup>26</sup> is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 12, 19, 20, 25 and 26 is/are rejected.
- 7) ☒ Claim(s) 7, 13-15 and 21-24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

1. An Amendment was filed 12/9/04 in which Claims 8-11 and 16-18 were also cancelled. The Claims remaining to be examined are 1-7, 12-15 and 19-26.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

A. **Claims 1-4, 6, 12, 19, 20, 25 and 26** are being unpatentable over Hoose 6371263 in view of Hartmann 4881750.

Hoose discloses a steering apparatus (fig 1) in a two-wheeled vehicle, including a bicycle and motorcycle (c9, ln 27-30), comprising

Upper 10, and lower 20, triple clamps,

Upper and lower bearings 56,

Shock tube 50,

Coupled to each clamp by the respective bearing (fig 1),

Including cavity (unidentified) coaxial with the steering axis (c4, ln 58-60),

Coil-over shock (unidentified; c4, ln 58-60; "spring-based system") coupled to an upper end (unidentified) of the shock tube,

Pair of telescopic forks 1 and 2 coupled to the clamps,

The forks including one of the following:

Spring/damper (c3, ln 35-38, and 45-49),

Not including any spring/damping components (c3, ln 34-35; "may include" is also interpreted to mean complete omission),

Inert suspension characteristics (c3, ln 45-49),

Fork buttress 30 coupled to the forks, and,

Front wheel 8.

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The reference does not specify the coil-over shock as disposed within the shock tube 50, while Hartmann shows this configuration in fig 2, with shock tube 5 having its upper end (unidentified) containing coil-over shock 38. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this arrangement, as shown in Hartmann, to protect the shock components from environmental conditions, thus increase longevity and performance of the suspension system.

B. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoose in view of Hartmann, and in further view of Pileggi 5511811.

The previous references do not disclose the forks as being ventilated, while Pileggi shows this arrangement in fig 2 with vent 38. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this feature, as shown in Pileggi, to maintain proper pressurization in the fork tubes to achieve the desired damping characteristics, and as is well-known.

3. **Claims 7, 13-15 and 21-24** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Prior art does not disclose the vehicle discussed above further comprising, *inter alia*, a lower end of the coil-over shock coupled to the fork buttress.

4. **RESPONSE TO REMARKS**

Examiner has modified her rejections in accordance with the amendments. It is maintained Hoose in view of Hartmann, and Pileggi, discloses the recited limitations.

In response to remarks on p 7 re Hoose, Applicant argues that "Hoose does not disclose both shock absorber/tube and a steering stem/shaft". This IS a correct statement, as provided in c5, ln 1-7. This paragraph continues with

"Accordingly,... the upper shock tube 20 is constructed in such a way as to accommodate shock absorption,... and *steerability of the steering frame 6, and the entire suspension.*"  
(emphasis added)

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In this way, this suspension arrangement provides a "greatly enlarged and hollowed-out steering stem", as both Claims 1 and 19 imply. Therefore, Applicant's argument appears pointless.

With respect to comments on p 8 re Hartmann, Applicant appears to be rendering a separate analysis of this reference, rather than a combination as indicated. Hartmann is combined with Hoose to teach an internal coil-over shock, and no other limitation. Also, see *In re Keller*, 208 USPQ 871 (CCPA 1981) re piecemeal analysis of the combination of references.

Lastly, Applicant is asked to note allowable subject matter.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


6. Communication with USPTO/Examiner

Any inquiry concerning this communication, or others, should be directed to Ms. Lum at 571 272-6649, M-Th, 9-6. If attempts to reach the examiner are unsuccessful, her supervisor, Ms. Lesley Morris is at 571 272-6651. Our fax number is 703 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications: private PAIR only, for published applications: private or public PAIR. For more information re PAIR: <http://pair-direct.uspto.gov>. Questions re private PAIR: contact the Electronic Business Center (EBC) at 866 217-9197.

Ms. Lee S. Lum  
Examiner  
3/1/05



  
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